

Testimony of Stephen McNally, in Support of the Adoption of House Bill 6105

Introduction:

My name is Stephen McNally.

Public Act 77-24 has taken from me my rights to access my original birth certificate, without which, I cannot prove my Irish heritage (being born of Irish parents) and claim my -- and my children's -- Irish citizenship. The Irish law affords me the right to claim my Irish citizenship and to claim this citizenship for my children because I was born to Irish parents. Without access to the documentation associated with my birth and adoption, I cannot substantiate my petition to the Irish government.

Through DNA testing, I have been able to find my mother, my father, my half-sister, and numerous cousins. So, there are no identities being protected. It is all out in the open. The information has been found by other means, but I do not have the documentation that Ireland requires to be able to claim my citizenship.

Public Act 77-24 is denying me my birthright and my heritage, and therefore, that of my children. My basic human and civil rights are being denied directly as a result of this law.

I and my children are suffering immediate and measurable harm under the existing law. My daughter does work, supervising clinical trials in the pharmaceutical industry. Her immediate past employer is a company that is headquartered in the Republic of Ireland. Establishing her Irish citizenship would not only enhance her value to an Irish corporation, but it would enable her to work and live anywhere within the entire EU.

Public Act 77-24 took from me my rights to access to my original birth certificate.

I was born, in West Hartford, in 1952. And I was adopted as an infant.

In doing a search for my birth parents, I did DNA testing. Through Ancestry, I found a match with my aunt, and her daughter. Through those links, I was able to find my mother and build my family tree, back to great grandparents, on my mother's side.

I sent my mother a few letters. And, ultimately I did speak with her on the phone. She is in a peculiar state of denial. She spoke with me as though she acknowledged our relationship. But she still has difficulty acknowledging her personal trauma that accompanied her pregnancy and my birth. And she has refused to allow my birth certificate and adoption records to be opened.

My mother became pregnant with me, in Ireland in 1952. She was 18 years old, at the time. She flew to the US to give birth to me. At that time, adoption was illegal in Ireland.

Had she remained there, she would have been ruined and she would have brought indelible shame upon her family. She would have been forced to give birth in St Mary's Mother and Baby Home, in Tuam, where I would have been forcibly separated from her and raised as an orphan. The story of Tuam is one of great tragedy and shame, in Ireland. One in seven infants, under the age of one died from neglect.

That was how things were in Ireland back then

Instead, my mother fled to the US, and I was born at Saint Agnes Home for Unwed Mothers in West Hartford, Connecticut. In March of 1953 I was placed in my adoptive home. The adoption was finalized in the Probate Court in June, 1954.

I was adversely affected by adoption of Public Act 77-246. I believe that I will be positively impacted when House Bill 6105 can be signed into law.

- Public Act 77-246 is discriminatory, based upon age.
- Exercise of the “parental veto” allowed under Public Act 77-246 is capricious and arbitrary (in my case).
- By birthright, I am an Irish Citizen. Current law prevents me from obtaining my birthright. By extension, it denies birthright citizenship to my children, too.
- With the passage of House Bill 6105, the Connecticut House of Representatives can take a necessary first step to correct the discrimination currently instituted and preserved under Public Act 77-246

Background:

Public Act 77-246 was passed when I was over 21. Prior to that law being passed, Connecticut law permitted me to view my original birth certificate. I would have had access to my birth certificate, beginning in the year I had turned 18. Access to my birth certificate was only contingent upon a *determination of the effect of disclosure of the birth record* upon myself, my birth mother and my adopting parents.

Prior to the adoption of Public Act 77-246, I was afforded some standing, under the law. The effect of birth record disclosure upon me stood in equal measure alongside that of my birth mother and that of my adoptive parents.

There had been little or no advance notification that Public Act 77-246 would remove my standing, or permanently subtract my legal access to my birth information. Such advanced notification would have propelled me to petition for access, before my rights were extinguished.

Personal Impacts of Public Act 77-246: (Initial Outreach To Birth Parent)

In the year 2000, I was 48 years old. My genetic mother was 66 years old.

That year, I contacted Catholic Charities, seeking information regarding my adoption and seeking contact with my genetic mother. Subsequently, Catholic Charities indicated that they had spoken directly with my genetic mother, and that she had no interest in having contact with me. Public Act 77-246 had given my birth mother the ability, and a new legal right, to keep my birth information hidden from me.

Under Public Act 77-246 she was granted an interest that would be protected, while I no longer had any retained interest that would be considered.

“Non-Identifying Information”:
(Discovery and Impact, Unintended Consequences of Public Act 77-246)

Pursuant to my request to Catholic Charities in 2000, Catholic Charities did provide certain “non-identifying” information to me. This non-identifying information indicated:

- My genetic mother was born in Ireland
- My genetic mother became pregnant in Ireland
- My genetic mother came to the United States to give birth
- My genetic mother did not inform my genetic father of the pregnancy
- My genetic mother informed her mother of the pregnancy
- My genetic mother informed her brother of the pregnancy
- My genetic mother informed her sister of the pregnancy
- My genetic mother did not inform her father (my genetic grandfather) of her pregnancy, fearing his reaction
- My genetic mother and her siblings were dual citizens of the United States and Ireland, because their father had served in the United States Army during WW I

Under Irish law, an individual, born outside of Ireland, but born to an Irish citizen (or an individual who is the grandchild of an Irish citizen), is entitled to Irish citizenship. In order to enable me to claim my Irish citizenship, the Irish Consulate has indicated that I must provide a copy of my original birth certificate, to demonstrate that my genetic parents (or grandparents) have Irish citizenship.

Prior to 1975 I had some retained right, under the law. Those rights would grant me access to my original birth certificate and my adoption information. Public Act 77-246 extinguished any consideration of my rights, not only my right to the facts surrounding my birth, but also my independent rights as an Irish citizen.

Instead, it bestowed an unassailable right of veto to my birth mother.

This right of parental veto also impacts the rights of my children. ***Their*** birthright Irish citizenship, and their rights as citizens of the European Union are also extinguished by Public Act 77-24.

And, these rights are not extinguished for some prescribed period of time, but in perpetuity.

There is no Secrecy, There is only Withholding:

We live in extraordinary times!

I gave my credit card information to a company on the internet, and they sent me a kit. I spit in a tube, and they analyzed my DNA. Then they allowed me to participate in a massive, global on-line forum where people explore their DNA matches.

It was determined that I am 100% Irish. It was determined that my father's ancestral line is of the Flaherty family, from the Connemara region of Ireland.

DNA matches helped me determine that my mother's family were the Barretts, from Spiddal, Ireland. Internet research has allowed me to positively identify my mother. She currently lives in Greenwich. I have mailed her several letters and I have spoken with her on the phone.

I have discovered my half sister and I have spoken with her. I have also found numerous aunts and uncles, and a large number of cousins.

DNA matches helped me determine that my father's family were the O'Flahertys, from Inverin, Ireland. A village adjacent to Spiddal. Internet research has allowed me to positively identify my father. He died in 1985.

But, I have found numerous aunts and uncles, and a large number of cousins on my father's side.

I have, so far, positively identified my ancestors, going back to all of my great grandparents.

My searches are expanding, my family tree is large and still growing. There is no secret as to who my mother is, or who my father is (was).

But this is not information that I need. It is the **Documentation**, which will support my citizenship application, that I need.

Disclosed to Many – Hidden from One:

I know, via "non-identifying information" forwarded to me by Catholic Charities, that my mother had, by the time of my birth, disclosed the fact of my birth to others in her family. Since my birth, she may have made this disclosure to even more people.

The Legislature of the State of Connecticut determined that among all of the individuals, directly or indirectly involved in my birth and adoption, there is only one who must, by law, remain ignorant of the facts of my birth.

That person is me.

I entered this world, and within 5 months I had become a second class citizen. And then, at age 21, even those "second class citizen" rights had been extinguished.

I have been present, every step of the way, in these life events. I am central to every aspect of these events. Without me, none of this would be an issue. Yet, somehow, my rights have never been observed, except in the breach of them.

Still, what has been shielded from me has been discovered, and cataloged, in great detail.

Decisions and Effects Regarding Disclosure:

One of the primary reasons that my birth mother cited, for coming to the United States to give birth and put me up for adoption, was the fear of her father's (my grandfather's) reaction. As my grandfather is deceased, his reaction need no longer be a consideration. My birth mother has already made disclosures to other people, regarding the facts of my birth. Therefore, my birth mother's decision to deny me access to my original birth certificate is both capricious and arbitrary.

My adoptive parents are deceased. They cannot be adversely affected by any disclosure of the circumstances of my birth.

Mine and my children's rights under Irish law are still being violated.

My birth father was excluded from consideration during the adoption proceedings. His parental rights were violated. But, he too, is deceased and cannot be adversely affected by any disclosure of the circumstances of my birth.

These issues proceed perpetually, both directly and collaterally, under Public Act 77-246.

The adoption of House Bill 6105, into law, would permit at least some reasonable reconciliation of these issues, even after so much time has passed.

Conclusion:

Connecticut is continuing to deny me and my children the ability to exercise our rights to Irish and European Union citizenship. And there are few barriers, anymore, to people like myself from determining our birth parents' identities. The law can only deny me access to the Documentation that would support my citizenship application.

At this point:

I know my father's identity. He is deceased.

I know my mother's identity. She lives in Greenwich and will not agree to opening the files.

I have confirmed my name at my birth.

Both my mother and my father are/were Irish citizens. As were all of my grandparents.

Under Irish law, I have birthright citizenship. But I must provide my birth certificate, and that of my Irish mother, to validate my claim. I would also necessarily require the adoption records that would demonstrate the change in my name at my birth from Michael Barrett, to Stephen McNally, upon my adoption.

I am being denied any ability to petition the republic of Ireland to grant my citizenship, and that of my children.

The good news is that I have found my mother and her family, and my father's identity and his family. And I have confirmed my identity. And I have begun connecting with my aunts, uncles, sibling and various cousins.

This legislative body can act now, to rectify this obviously flawed tiered system of rights that it has manufactured.

Please, do the right thing, and vote to pass House Bill 6105.